

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12397 of 2005

Between:

Ande Poshalu, S/o. Late Venkaiah,
Manuguru Village and Mandal, Khammam District.

..... PETITIONER

AND

- 1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad.
- 2 District Collector, Khammam district, Khammam.
- 3 Joint Collector, Khammam district, Khammam.
- 4 Mandal Revenue Officer, Manguru Mandal, Manuguru, Khammam District.
- 5 Government of Andhra Pradesh, Rep. by its Principal Secretary, Tribal Welfare
Department, Secretariat, Hyderabad.
- 6 M/s. Hindustan Petroleum Corporation Limited, Rep. by its Managing Director,
Head Office No.17, Jamshedji Tata Road, Mumbai.
- 7 M/s. Hindustan Petroleum Corporation Limited, Rep. by its Manager,
Kattubaidpalem, Kondapally Terminal, Krishna District.
- 8 Ande Venkateswara Rao @ Venkateswarlu, S/o. Muttaiah,
R/o. Bandarugudem, H/o. Manuguru Village, and Mandal, Khammam District.
- 9 Kanagala Venkaiah, S/o. Potiah,
R/o. Samithi Singaram village, Behind Government Junior College,
Manguru, Khammam District.
- 10 Jerupala Bhadru, S/o. Bajaya,
Charma Thanda Village, Kusumanchi Village, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction preferably a Writ in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in granting no objection certificate in Proceeding in Dis.No.C2/2507/2004 dt. 6-5-2005 to the 10th respondent for establishing retail out let of the 6th and 7th respondent oil company in the land admeasuring Ac.0.20 guntas of Sy.No. 138/4 of Manuguru Village and Mandal, Khammam District as being illegal, arbitrary, violative of Articles 14 and 300-A of the Constitution of India as well as being hit by the provisions of Regulation No.1 of 1970 and consequently suspend the said proceeding dt. 6-5-2005 issued by the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondent Nos. 1 to 5: GP FOR REVENUE

Counsel for the Respondent Nos.

The Court, at the stage of admission, made the following:

Oral order:-

There are disputes between the petitioner and respondent Nos. 8 to 10 with regard to the ownership and possession of land ad-measuring Ac.0-20 guntas in survey No. 138/4 of Manuguru village and Mandal, Khammam district. The 10th respondent, on the basis of a lease-hold right in the land claimed through the 9th respondent, who in turn claims title to the land from the 8th respondent, applied to the 6th and 7th respondents for award of a petrol/diesel retail out let dealership on the basis of a 'no

objection certificate' obtained from the 3rd respondent. The petitioner claims exclusive ownership and title to the said land. In this regard there are proceedings pending before the concerned Revenue Divisional Officer and Agent to the Government between the petitioner and respondent Nos. 8 to 10.

On the aforesaid factual scenario, the petitioner seeks a declaration that the action of the 3rd respondent in granting a 'no objection certificate' in proceedings dated 06-05-2005 to the 10th respondent, which facilitates establishment of a petrol/diesel retail out let dealership, to be granted by the 6th and 7th respondents, is illegal and inoperable.

As on date, there are no proceedings of any competent authority, either a judicial or quasi-judicial forum, which disables the 3rd respondent from granting a 'no objection certificate' in favour of 10th respondent. The petitioner's disputes with the respondent Nos. 8 to 10, in respect of the property in question, ought to be resolved before an appropriate adjudicating authority or forum. For the nonce, the issuance of a 'no objection certificate' by the 3rd respondent to the 10th respondent cannot be faulted. For reasons alike, any decision taken by the 6th and 7th respondents to consider the case of 10th respondent for issuance of dealership could not also be faulted.

For the aforesaid reasons, this court finds no merit in the writ petition. The writ petition is, accordingly, dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

Dt. 07-07-2005

Pvks/*

To

1. The Principal Secretary, Revenue Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

2 District Collector, Khammam district, Khammam.

3 Joint Collector, Khammam district, Khammam.

4 Mandal Revenue Officer, Manguru Mandal, Manuguru, Khammam District.

5 The Principal Secretary, Tribal Welfare Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

6 The Managing Director, M/s. Hindustan Petroleum Corporation Limited, Head Office No.17, Jamshedji Tata Road, Mumbai.

7 The Manager, M/s. Hindustan Petroleum Corporation Limited, Kattubaidpalem, Kondapally Terminal, Krishna District.

8 Ande Venkateswara Rao @ Venkateswarlu, S/o. Muttaiah,
R/o. Bandarugudem, H/o. Manuguru Village, and Mandal, Khammam District.

9 Kanagala Venkaiah, S/o. Potiah,
R/o. Samithi Singaram village, Behind Government Junior College, Manguru, Khammam District.

10 Jerupala Bhadr, S/o. Bajaya,
Charma Thanda Village, Kusumanchi Village, Khammam District.

11. 2 CCs., to the learned Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT)

12. 2 CD copies

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